

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

**NICHOLAS DWIGHT MOORE and wife,
AMANDA MCDANIEL MOORE,**

Plaintiffs,

v.

LIBERTY MUTUAL GROUP, INC.

Defendant.

Case No: _____

JURY DEMAND

(Removed from Rutherford County, Tennessee
Chancery Court, Case No. 12-cv-1243)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1311 and 1337, Defendant Liberty Mutual Group, Inc. ("Liberty") hereby gives notice of its removal of the above-referenced case from the Chancery Court for Rutherford County, Tennessee.

In support hereof, Liberty states as follows:

1. On August 31, 2012, Plaintiffs Nicholas and Amanda Moore ("Plaintiffs") filed a Complaint against Defendant Liberty Mutual Group, Inc. in the Chancery Court for Rutherford County, Tennessee. A true and correct copy of the Complaint, Summons and First Set of Interrogatories and Request for Production filed in Rutherford Chancery Court are attached hereto as **Exhibit A**.

2. Plaintiffs seek relief related to the denial of insurance benefits pursuant to a policy allegedly issued by Defendant. Plaintiffs' alleged damages include statutory penalties and punitive damages. The policy in question provides insurance coverage of over \$100,000 to Plaintiffs. The damages at issue combined with the alleged statutory penalty and punitive damages exceed \$75,000.

3. Plaintiffs are citizens of Tennessee because they reside and are domiciled in Cheatham and/or Williamson counties.

4. Defendant Liberty is foreign corporation with its principal place of business in Massachusetts.

5. This action is properly removable under 28 U.S.C. §§ 1331 and 1337 because diversity exists and because the amount in dispute exceeds \$75,000.

6. A true and correct copy of the Notice of Filing of Removal filed concurrently with the Chancery Court for Rutherford County, Tennessee is attached hereto as **Exhibit B**.

WHEREFORE, Liberty respectfully requests this Court take jurisdiction of this action and issue all necessary orders to remove this matter from the Chancery Court for Rutherford County, Tennessee, to the United States District Court for the Middle District of Tennessee, Nashville Division.

Respectfully submitted,

STITES & HARBISON, PLLC

/s/ Kevin P. Hartley

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Counsel for Defendant Liberty Mutual Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2012, a copy of the foregoing was filed electronically with the Clerk's office by using the CM/ECF system and served via first-class U.S. mail, postage prepaid, upon T. Chad White, Esq., 315 Deaderick Street, Suite 1700, Nashville, TN 37238.

/s/ Kevin P. Hartley

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